



Entered on Docket  
September 16, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Eighth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Fox Hills 216, LLC Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Eighth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fox Hills 216, LLC, Loan," ("Fox Hills Loan") [DE 8619] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fox Hills Loan; and good  
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8619] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Fox Hills Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**  
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Fox Hills 216, LLC  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Foxhill 216, LLC Loan</b>
10725-00865	10/31/2006	Joseph & Ardee Daraskevius	4191 Comstock Dr. Lake Havasu City, Az 86406	275,000.00	50,000.00
10725-01665	12/9/2006	Kevin Mckee	Janet L Chubb, Atty. At Law Armstrong Teasdale LLP 50 W. Liberty, Suite 950 Reno, NV 89501	500,000.00	100,000.00
10725-01297	11/10/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Fel. LLP 30 N Lasalle St Ste 3000 Chicago, IL 60602	1,040,000.00	Unknown
10725-01478	11/15/2006	Kiven, Norman	Andrew J Abrams Esq Sugar Friedberg & Felsenthal LLP 30 N Lasalle St. Chicago IL 60602	96,496.00	Unknown
10725-02177	1/12/2007	Klay Living Trust Dtd 7/11/90	Othmar & Christine Klay Ttees 5530 Lausanne Dr Reno, NV 89511	708,473.90	100,000.00
10725-01999	1/10/2007	Km Group A Nevada General Partnership	Aime Kearns 5886 N Bonita Vista St Las Vegas, NV 89149	304,359.34	50,000.00
10725-01997	1/10/2007	Km Trust	C/O Aimee E Kearns Trustee 5886 N Bonita Vista St Las Vegas, NV 89149-3911	1,535,080.92	160,000.00
10725-01293	11/10/2006	Lisa Hollifield Personal Rep Of J Naftzinger Est	9303 West osprey Meadows Drive Boise, ID 83714	Unknown	Unknown
10725-02205	1/12/2007	Lorin Loughlin & Rand Yazzolino	1259 Bags Blvd Sonoma, CA 95476	250,000.00	150,000.00
10725-01035	11/6/2006	Loughlin Family Trust	C/O Richard J. & Roberta L. Loughlin 3212 Jefferson	1,116,400.00	155,000.00

**EXHIBIT A**

2415824.1